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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5676 of 2016
Arising Out of PS.Case No. -202 Year- 2015 Thana -PANDAUL District- MADHUBANI

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1. Shankar Sah @ Shiv Shankar Sah son of Musaharu Sah, Resident of village- Tetaraha, P.s.- Pandaul, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Chandra Bhushan Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-02-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Pandaul P.S. Case No. 202 of 2015 registered for the offences punishable under Sections 401, 413, 414/34 of the Indian Penal Code.

Allegedly, during raid the petitioner was searched but he was found absent from his house and in the way one four wheeler was found coming but after seeing the Police vehicle two persons fled away towards Sahpur Chauk and one person started fleeing away towards Tetaraha village but he was caught who stated his name as Hari Kishore Yadav, the driver of the vehicle Tata Magic, and he stated the name of the petitioner but did not state the name of one another and from that vehicle one cow was recovered which on inquiry was found to be stolen one.

Submission is of false implication and that it is true that the petitioner has got criminal antecedent but he has been made victim of Police atrocities, the petitioner has got no concern with stealing and transporting the same, co-accused has wrongly named the petitioner resulting he is suffering in custody since 07.10.2015.

Learned APP submits that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that the name of the petitioner was taken by co-accused and as such the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No. 202 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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